

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 95-71

September 13, 1995

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: B. Allan Benson, Acting Associate General Counsel

SUBJECT: Overnite Transportation Company

On September 6, 1995, the Board approved a Settlement Stipulation between the General Counsel and Overnite Transportation Company (OTC) resolving numerous unfair labor practice charges filed by the International Brotherhood of Teamsters and various of its local unions. The settlement provides, among other things, for nationwide posting of a Notice to Employees at all of OTC's terminals (service centers), which may include terminals in your Region. The settlement also includes, in Appendix F, paragraph 1, an Early Warning Procedure that provides as follows:

Respondent will designate an agent for the service of all charges. A copy of any charge filed will be sent as soon as practicable to Respondent's designated agent by facsimile transmission. The charge will be investigated by the Regional Office in which the charge is filed. In the event that the evidence discovered in the investigation points to a violation, Respondent's designated agent will be notified as soon as practicable by facsimile transmission and given a written summary of the evidence supporting the alleged violation.

In order to implement the provisions of the Early Warning Procedure, the Regions are instructed to proceed as follows:

1. A copy of any charge filed against OTC should be sent as soon as practicable to its designated agent, William T. Cranfill Jr., Attorney, Blakeney & Alexander, 3700 Nations Bank Plaza, Charlotte, NC 28280, by facsimile transmission. The FAX number is (704) 332-2611. A copy of the charge should also be sent by facsimile transmission to the Eighteenth Region, which is coordinating the investigation and prosecution of OTC cases. Their FAX number is (612) 348-1785.

2. The Region in which the charge is filed should begin its investigation as soon as possible. If preliminary investigation of the charge "points to a violation," notify Region 18 immediately. The Region in which the charge is filed, after consultation with Region 18, will then be responsible for preparing and submitting to OTC's designated representative a written summary of the alleged violation. The investigating Region will also be responsible for completing the investigation, including the consideration of any evidence submitted by OTC.
3. The investigating Region should make an initial determination on the merits of the charge. Then notify and consult with Region 18 prior to taking any further action.

Contact your Assistant General Counsel if you have any questions concerning this memorandum or the investigation of charges filed against OTC.

B. A. B.